

BILL NO. S-74-02-36

SPECIAL ORDINANCE NO. S-31-74

AN ORDINANCE approving a contract with T & F
CONSTRUCTION COMPANY for installation
of new street lighting

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. The agreement approved February 17, 1974, between the
City of Fort Wayne, by and through its Mayor and the Board of Public Works, and
T & F CONSTRUCTION COMPANY, for the installation of street lighting, as follows:

Installing new street lighting on Fleming
and Maple Grove Avenue between Fairfield
Avenue and Calhoun Street

for a total cost of \$12,728.86, of installation only, \$5,970.86 to be paid by City and
\$6,758.00 to be paid by the property owners, all as more particularly set forth
in said Agreement, which is on file in the Office of the Board of Public Works, and
is by reference incorporated herein and made a part hereof, is hereby in all things
ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and
after its passage and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY

CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 2-26-74

Charles W. Johnston
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

	AYES <u>8</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 2-12-74

Charles W. Johnston
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. A-31-74 on the 12th day of March, 1974.

Charles W. Johnston
CITY CLERK

Samuel J. Francis
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1974, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Johnston
CITY CLERK

Approved and signed by me this 14th day of March, 1974, at the hour of 2:40 o'clock P. M., E.S.T.

Sam H. Francis
MAYOR

Bill No. S-74-02-36

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
Approving a contract with T & F CONSTRUCTUION COMPANY for
installation of new street lighting

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance _____ PASS.

Paul M. Burns - Chairman

James S. Stier - Vice-Chairman

Vivian G. Schmidt

Donald J. Schmidt

Eugene Kraus, Jr.

CONCURRED IN

DATE 3-12-74

CHARLES W. WESTERN

CONTRACT

STATE OF INDIANA)
COUNTY OF ALLEN) ss

THIS AGREEMENT AND INDENTURE made and entered into this, the 17th day of January 1974, by and between:

The City of Fort Wayne

The party of the first part, termed in this agreement and the Contract Documents as the "Purchaser," and

T & F Construction Company

The party of the second part, termed in this agreement and the Contract Documents as the "Contractor":

WITNESSETH:

THAT, WHEREAS, the Board of Public Works has heretofore caused to be prepared certain contract documents for furnishing labor and equipment and performing work therein fully described, and the Contractor did, on the 15th day of January, 1974, file with the Board of Public Works, a copy of said contract documents, together with his offer and terms therein fully stated and set forth, and,

WHEREAS, the said contract documents accurately and fully describe the terms and conditions upon which the Contractor is willing to furnish the labor and equipment and perform the work called for by the said contract documents and in the manner and time of furnishing and performing same.

IT IS THEREFORE, AGREED:

FIRST - That a copy of said contract documents filed as aforesaid be attached hereto and that the same do in all particulars become the agreement and contract between the parties hereto in all matters and things set forth therein and described, and further, that both parties hereby accept and agree to the terms and conditions of said contract documents so filed, for the following:

Installing new street lighting on Fleming and Maple Grove Avenues
between Fairfield Avenue and Calhoun Street (\$12,728.86).

SECOND - The Contract Documents hereto annexed are made a part of this agreement and contract as fully and as absolutely as if herein set out in haec verba.

THIRD - The unit prices agreed to in this contract will remain in effect until the work covered under this contract is completed.

FOURTH - This contract is executed in duplicate.

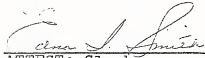
FIFTH - It is further stipulated that not less than the general prevailing rate of wages as ascertained by the City of Fort Wayne or the Indiana Department of Labor shall be paid to all workmen performing work on this contract.

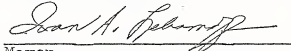
SIXTH - It is further stipulated that Contractor shall pay all lawful claims or indebtedness which may accrue, by operation of law and otherwise, to any persons, firm or corporation on account of any labor or service performed or material furnished or service rendered, in the carrying forward, performing, and completing of said contract including Subcontractors, laborers, materialmen, and those performing service on account of or directly in connection with the completion of said contract.

SEVENTH - It is further stipulated that any judgment rendered against the City of Fort Wayne in any suits for damages for injury to real or personal property, or for any injury to real or personal property, or for any injury, sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen and that any judgment of any court or award of any Board of Arbitrators or of the State Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation Acts, of the State of Indiana, now in force, relating to compensation for accidental injuries or death suffered by his employees or the employees of any Subcontractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said Contractor, shall be conclusive against Contractor as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that Contractor indemnify and hold harmless City in the premises.

IN FAITH WHEREOF, Witness the hands and seals of both parties on the day and year in this agreement first above written.

APPROVED:


ATTEST: Clerk


Mayor

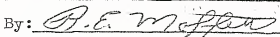
Approved in Form & Legality
By: 

BOARD OF PUBLIC WORKS


Ronald L. Bonar

CONTRACTOR: T & F Construction

Corp. of Indiana

By: 

R. E. Moffett, Vice President

Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE

CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS:

That T & F Construction Corp. of Indiana

(hereinafter called Principal), as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, with its Home Office in the City of Baltimore, Maryland, and duly authorized and licensed to do business in the State of Indiana (hereinafter called Surety), as Surety, are held and firmly bound unto City of Fort Wayne, Indiana

(hereinafter called Owner), in the full and just sum of TWELVE THOUSAND SEVEN HUNDRED TWENTY EIGHT AND -- 86/100 Dollars (\$12,728.86), to the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 17th day of January 1974

WHEREAS, the Principal has entered into a certain written agreement, dated the 17th day of January 1974, with the Owner for Contract 105-73 New Street Lighting for the Maple Grove - Fleming area, Fort Wayne, Indiana

which agreement is or may be attached hereto for reference.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the Principal shall well and truly perform and carry out the covenants, terms and conditions of said agreement, then this obligation to be void; otherwise to remain in full force and effect.

WITNESS:

T & F CONSTRUCTION CORP. OF INDIANA (SEAL)

BY: R. E. Moffett (SEAL)
R. E. Moffett, Vice President

(IF INDIVIDUAL OR FIRM)

ATTEST:

V. L. Miller V. L. Miller, Sec-Treas.
(IF CORPORATION)

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Frank P. Liden

By

Regan J. Guin
attorney-in-fact.

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. A. BRUNDRETT, Vice-President, and C. E. DUVAL, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries, and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint Leonard L. Heath, Peggy J. Gunn, Joyce A. Wilson and Bruce L. Bryn, all of Hagerstown, Indiana, EACH.....

its true and lawful agent and Attorney -in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed:

I. Bonds and undertakings for faithful performance of duty to be filed in any Court of any State of the United States, or in any United States Court, each in a penalty not to exceed the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) as follows: For administrators and executors; committees for incompetent persons; conservators; commissioners; guardians; referees and trustees for the sale of property; receivers and trustees in bankruptcy proceedings; receivers in equity; trustees under will; persons and corporations exercising powers of sale in deeds, mortgages, and other written instruments covering property located in any state of the United States, EXCEPT ASSIGNMENTS FOR BENEFIT OF CREDITORS.

II. Bonds and undertakings to be filed in any Court as aforesaid, each in a penalty not to exceed the sum of SEVENTY-FIVE HUNDRED DOLLARS (\$7,500) as follows: For the payment of costs; for petitioning creditors; for plaintiffs in attachment, garnishment, sequestration and replevin suits; for removal of suits from State to Federal Courts.

III. Bonds each in a penalty not to exceed the sum of TEN THOUSAND DOLLARS (\$10,000) required of State, County, Township or Municipal Officials, of any State of the United States, whether elected or appointed, except those for Treasurers, Deputy Treasurers, Tax Collectors, Deputy Tax Collectors, Sheriffs, Deputy Sheriffs, Police Constables and Justices of Peace.

IV. Bonds for Notaries Public required by the Laws of any State of the United States, each in a penalty not to exceed the sum of FIVE THOUSAND DOLLARS (\$5,000).

V. License bonds, each in a penalty not to exceed the sum of TEN THOUSAND DOLLARS (\$10,000) required by the Statute of any State of the United States or by Ordinance of any Municipality in any State.

VI. Bid, Proposal and Final Bonds and undertakings guaranteeing contracts for the construction or erection of public or private buildings, improvements, and other works, and guaranteeing public and private contracts for supplies; provided, however, that the aforementioned authority does not embrace any bond or undertaking guaranteeing a contract in excess of the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Maryland, in their own proper persons. This power of attorney revokes that issued on behalf of Leonard L. Heath, et al, dated November 13, 1968.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 3rd day of February, A.D. 19 71.

ATTTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(SIGNED)..... C. E. DUVAL
(SEAL)..... Assistant Secretary

By..... C. A. BRUNDRETT
Vice-President

STATE OF MARYLAND }
CITY OF BALTIMORE } ss:

On this 3rd day of February, A.D. 19 71, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED)
(SEAL)

FRANK G. MEURER
Notary Public Commission Expires July 1, 1974

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate is signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 17th day of January, 19 74.

DIGEST SHEET

S. 74-02-36

TITLE OF ORDINANCE: Contract with T & F Construction for Street Lighting on Maple Grove
and Fleming AvenuesDEPARTMENT REQUESTING ORDINANCE: Board of Public WorksSYNOPSIS OF ORDINANCE: Covers contract with T & F Construction Company in
amount of \$12,728.86 for installation of new street lighting on Maple Grove and
Fleming Avenues between Fairfield Avenue and Calhoun Street.This covers installation only. Total cost of project is \$26,293.09. The
Utilities will furnish the material and property owners will pay \$6,758.00 of
the cost.EFFECT OF PASSAGE: Street lights in above area, as petitioned.EFFECT OF NON-PASSAGE: Unhappy property owners and not street lighting on
Maple Grove and Fleming.

MONEY INVOLVED (Direct Costs, Expenditures, Savings):

City share of installation cost - \$5,970.86.

ASSIGNED TO COMMITTEE (J.N.):

City Utility